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The original instrument was prepared by Greg Waddell. The following digest, which does not constitute a part of the legislative instrument, was prepared by Sharon F. Lyles.

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## DIGEST

Long (SB 635)

Proposed law transfers the Weights and Standards Police Force from the Department of Transportation and Development ("DOTD") to the Department of Public Safety and Corrections ("DPS&C").

Present law defines "commissioner" and "weights and standards stationary scale police officer."

Proposed law defines commissioner as the deputy secretary of the Department of Public Safety and Corrections, public safety services.

Proposed law changes "weights and standards stationary police officer" to "weights and standards police officer."

Present law authorizes the DOTD to enforce certain provisions of law relating to trucks, trailers and semi-trailers.

Present law provides that the DPS&C shall enforce certain provisions of law and the regulations adopted on all highways of this state within its jurisdiction and shall exercise such other power and authority as authorized by law.

Proposed law retains present law and transfers operation and maintenance of all stationary weight enforcement scale locations from DOTD to DPS&C.

Present law provides that DOTD shall have sole authority over the issuance of special permits as provided by law.

Proposed law retains present law and authorizes DPS&C to facilitate the issuance of permits by DOTD's truck permit office to place a vehicle or load in compliance with law.

Proposed law creates the Weights and Standards Police Force ("police force") within DPS&C. Authorizes the police force to enforce certain provisions of law, the access laws and regulations relative to controlled access highways and certain other laws and regulations as determined by the deputy secretary of DPS&C.

Proposed law provides that money from FHWA for maintaining, improving, or upgrading stationary or mobile scales will be used solely for that purpose; provides that DPS&C is responsible to maintain buildings and grounds and stationary scales; provides DOTD is

responsible to maintain roadways and parking lots at stationary scales.

Proposed law provides for collection procedure; provides violations are penalties, rather than fines, to reflect civil nature; provides for notice of violation and civil penalty or warning to responsible party within 30 days of violation; provides 45 day period to pay the penalty or to request an administrative hearing; provides for payment by certified check, money order, or credit card; credit card payments are deemed received when approval code is obtained; provides for dismissal of violation if commissioner fails to issue a notice of violation to the responsible party in 30 calendar days of date of violation; extends notice period for 60 calendar days due to data system failure by act of God or intentional act of sabotage or during state of emergency declared by governor; provides for appeal of findings of an administrative law judge in state district court of proper venue; provides for posting of unpaid penalties after 45 days on commissioner's website until paid and notice to office of motor vehicles who shall not renew vehicle registration until penalties and fees are paid; provides for suspension of driver's license where driver is the responsible party; provides for notice of suspension of license within 30 days unless all penalties and fees are paid; provides for \$50 fee to OMV to cover administrative cost; provides motor carriers shall not be responsible for driver violations.

Proposed law provides for DPSC to promulgate rules and oversight of rules by the House and Senate Committees on Transportation, Highways, and Public Works.

Proposed law provides for annual reports to House and Senate Transportation Committees of benchmark data to determine whether transfer of function achieves savings of at least twenty-five percent as directed by Commission on Streamlining Government.

Effective July 1, 2010.

(Amends R.S. 32:1(1),(10) and (93.1), 2(D) and (E), 3(C), 388(A)(3), (B)(1)(a)(intro para), (B)(4)(a), (C)(3), (F) and (G), 388.1, 389, 390.23(A) and 392(A)(1), and R.S. 36:408(B)(3) and 409(C)(8), and R.S. 40:1379.8, and R.S. 47:511.1(B), (C),(D) and (E), 516(A), (B)(2), and (D), 718(B)(1) and (C) and 812(C); repeals R.S. 32:1(93), 2(B) and (C))

### Summary of Amendments Adopted by Senate

#### Committee Amendments Proposed by Senate Committee on Transportation, Highways, and Public Works to the original bill.

1. Retains sole authority in DOTD to issue special permits per R.S. 32:287 and authorizes DPS&C to facilitate issuance of permits by DOTD truck permit office to place a vehicle or load in compliance with law.
2. Provides that money from FHWA for maintaining, improving, or upgrading stationary or mobile scales will be used solely for that purpose.

3. Provides that DPS&C is responsible to maintain buildings and grounds and stationary scales; provides DOTD is responsible to maintain roadways and parking lots at stationary scales.
4. Changes "fine" to "penalty" to reflect its civil nature.
5. Provides for collection procedure; provides for notice of violation and civil penalty or warning to responsible party within 30 days of violation; provides 45 day period to pay the penalty or to request an administrative hearing; provides for payment by certified check, money order, or credit card; credit card payments are deemed received when approval code is obtained.
6. Provides for rules and oversight of rules by the House and Senate Committees on Transportation, Highways, and Public Works.
7. Provides for dismissal of violation if commissioner fails to issue a notice of violation to the responsible party in 30 calendar days from the date of violation; extends notice period for 60 calendar days in case of data system failure by act of God or intentional act of sabotage or for state of emergency declared by governor.
8. Provides for appeal of findings of an administrative law judge in state district court of proper venue.

9. Provides for posting of unpaid penalties after 45 days on commissioner's website until paid and notice to office of motor vehicles who shall not renew vehicle registration until penalties and fees are paid.
10. Provides for suspension of driver's license where driver is the responsible party; provides for notice of suspension of license within 30 days unless all penalties and fees are paid; provides for \$50 fee to OMV to cover administrative cost.
11. Provides motor carriers shall not be responsible for driver violations.
12. Provides for annual reports to House and Senate Transportation Committees of benchmark data to determine whether transfer of function achieves savings of at least twenty-five percent.